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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/748,603	12/29/2003	Richard Doil Lane	030068	8659
23696	7590	12/30/2005	EXAMINER	
QUALCOMM, INC 5775 MOREHOUSE DR. SAN DIEGO, CA 92121			NGUYEN, TU X	
			ART UNIT	PAPER NUMBER
			2684	

DATE MAILED: 12/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/748,603

Applicant(s)

LANE ET AL.

Examiner

Tu X Nguyen

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10 November 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-7,9-27,29-41 and 43-50 is/are pending in the application.
- 4a) Of the above claim(s) 8,28 and 42 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7,9-27,29-41 and 43-50 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed 11/10/05 have been fully considered but they are not persuasive.

Regarding claims 1, applicants argue that Kim does not disclose "the control data includes at least one key useful in decrypting the multimedia stream( par.0042), data associated with a subscription to a multimedia broadcast service (see par.0037), data associated with a registration on a multimedia broadcast network, at least one application useful in decoding the multimedia data (see par.040), billing information, data related to user preferences, and data related to levels of service related to providing the multimedia stream. However, the Examiner respectfully submitted that "the control data includes at least one of" gives no further limitations of "billing information, data related to levels of service.

Regarding claim 17, applicants argue that Kim does not disclose "wherein the control data includes at least one of: data associated with a registration on a multimedia broadcast network, at least one application useful in playing the multimedia data, billing information, and data related to user preferences. However, Kim discloses "various additional information such as EPG" (see par.035) reads on "application useful in playing the multimedia data"; and "wherein the control data includes at least one of" gives no further limitations of billing information, data related to user preferences, data associated with a registration on a multimedia broadcast.

Regarding claims 34 and 47, applicants argue that Kim does not disclose “wherein the control data includes billing information data related to user preferences and/or data related to levels of service related to providing the multimedia stream”. However, Kim discloses “ciphered key” (par.019) for “required that only authorized mobile terminals are allowed to access” (see par.009) reads on “data related to levels of service”. And “and/or” gives no further limitations of data includes billing information.

2. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

4. Claims 1-7, 9-11, 13-27, 32-41, 43 and 45-50, are rejected under 35

U.S.C. 102(e) as being anticipated by Kim (US Pub. 2003/0078061).

Regarding claims 1 and 47, Kim discloses a communication system, comprising:

at least a broadcast center wirelessly broadcasting at least one multimedia stream (140, fig.3); and at least one wireless receiver receiving the stream over a wireless broadcast link (see par.0039), the receiver being provided with control data associated with the multimedia stream over a bidirectional wireless link (see par.0019), wherein the control data includes at least one key useful in decrypting the multimedia stream (see par.0042), data associated with a subscription to a multimedia broadcast service (see par.0037), data associated with a registration on a multimedia broadcast network, at least one application useful in decoding the multimedia data (see par.040), billing information, data related to user preferences, and data related to levels of service related to providing the multimedia stream.

Regarding claims 17, 34 and 47, Kim discloses a method for providing a multimedia stream to a wireless communication device, comprising: broadcasting the multimedia stream over a wireless broadcast channel; and transmitting over a bidirectional wireless link (see fig.3), control data necessary for displaying the multimedia stream on the device (see par.018).

Regarding claims 2, 20 and 35, Kim discloses the bidirectional wireless link is not associated with the broadcast link (see par.0033, 0053).

Regarding claims 3, 21 and 36, Kim discloses the broadcast link is unidirectional (see par.0033) and is characterized by at least one of: CDMA principles, GSM principles, and OFDM principles (see par.0035).

Regarding claims 4, 22-23 and 37, Kim discloses the bidirectional wireless link is selected from the group including: a CDMA link (see par.005, "IMT-2000" reads on "CDMA), a GSM link, a 802.11 link, and a Bluetooth link.

Regarding claims 5, 24 and 38, Kim discloses the bidirectional wireless link is a point-to-point wireless communication link (see par.0033).

Regarding claim 6, Kim discloses the receiver is a mobile communication device having at least one display for displaying the multimedia data (see par.019).

Regarding claims 7 and 25, Kim discloses the receiver is a mobile communication device having at least one speaker for presentation of multimedia audio data (see 124, fig.4).

Regarding claims 18-19, Kim discloses at least some control data is transmitted/received to the wireless device (see par.033).

Regarding claims 26, 39, 40 and 49-50, Kim discloses the control data includes at least one of: at least one key useful in decrypting the multimedia stream (see par.0042), data associated with a subscription to a multimedia broadcast service (see par.0037), data associated with a registration on a multimedia broadcast network, at least one application useful in decoding the multimedia data, billing information, data related to user preferences, and data related to levels of service related to providing the multimedia stream.

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Regarding claims 9, 33 and 46, Kim discloses services are ordered over the bidirectional link (see par.018-019. "Commercial" reads on "ordered" with reasonable broadest interpretation).

Regarding claim 10, Kim discloses products are ordered over the bidirectional link (see par.019, "video signal" reads on "product").

Regarding claims 11, 30, 43 and 48, Kim discloses least one digital broadcast multimedia (DBM) controller useful at least for encrypting, encoding and/or aggregating the multimedia stream (see par.0035-036, 0046, "controller" is inherently included in the system).

Regarding claims 13, 32 and 45, Kim discloses control data includes data useful for indexing into the multimedia stream for channel selection and tracking (see par.0046).

Regarding claim 14, Kim discloses at least one network control center communicating with the DBM controller at least for receiving keys there from, the network control center communicating with the wireless receiver over the bidirectional wireless link (see par.0034, 0038).

Regarding claims 15 and 41, Kim discloses at least one NCC controller associated with the network control center at least for providing to receivers applications related to playing multimedia streams (see par.0035).

Regarding claims 16 and 28, Kim discloses at least one network operations controller (NOC) associated with the broadcast network operations center at least for

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providing to receivers applications related to playing multimedia streams through a bidirectional wireless link (see par.0035, 0037-0038).

Regarding claim 27, Kim discloses the control data includes data associated with a subscription to a multimedia broadcast service (see par.0035).

Regarding claims 29 and 42, Kim discloses the control data includes data related to levels of service related to providing the multimedia stream (see par.009).

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 12, 31 and 44, are rejected under 35 U.S.C. 103(a) as being unpatentable over Kim in view of McClellan (US Pub. 2004/008794).

Regarding claims 12, 31 and 44, Kim discloses decompressing (see par.007). However Kim fails to disclose de-interleaving and decoding the multimedia stream.

McClellan discloses de-interleaving and decoding the multimedia stream (see par.0052, 0054). Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Kim with the above teaching of McClellan in order to provide advantage for the processing modules may operate at a lower speed, or may operate at the highest speed possible and operate in parallel to achieve higher overall transceiver operation.



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### Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed Tu Nguyen whose telephone number is 571-272-7883. The examiner can normally be reached on Monday through Friday from 8:30AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MAUNG NAY A, can be reached at (571) 272-7882. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


### Any response to this action should be mailed to:

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

  
December 20, 2005

EDAN ORGAD  
PATENT EXAMINER/TELECOMM.

 1/2/CT